

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**Z.H., a Minor, by and through his Parents
and Next Friends, R.H. and J.H.** §
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Plaintiffs, §
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§
§
VS. § **Case No. 4:12cv775**
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§
**LEWISVILLE INDEPENDENT
SCHOOL DISTRICT** §
§
§
Defendant. §

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 2, 2015, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Motion for Judgment on the Administrative Record and Other Evidence (Dkt. 34) be DENIED; that Defendant/Counter-Plaintiff's Motion for Judgment on the Administrative Record (Dkt. 36) be GRANTED; that Plaintiffs take nothing by any of their claims in the underlying due process proceeding and this proceeding; that the decision of the Special Education Hearing Officer rendered for the State of Texas in Docket No. 241-SE-0412 be REVERSED as to the Special Education Hearing Officer's determination that Z.H.'s conduct was a manifestation of his disabilities; that Defendant be awarded its costs of court; and that this matter be closed on the court's docket.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's recommendations as the findings and conclusions of the court. Therefore, Plaintiffs' Motion for Judgment on the Administrative Record and Other Evidence (Dkt. 34) is DENIED; Defendant/Counter-Plaintiff's Motion for Judgment on the Administrative Record (Dkt. 36) is GRANTED; Plaintiffs shall take nothing by any of their claims in the underlying due process proceeding and this proceeding; and the decision of the Special Education Hearing Officer rendered for the State of Texas in Docket No. 241-SE-0412 is REVERSED as to the Special Education Hearing Officer's determination that Z.H.'s conduct was a manifestation of his disabilities. Further, Defendant shall be awarded its costs of court, and this matter shall be closed on the court's docket.

IT IS SO ORDERED.

SIGNED this the 24th day of March, 2015.


RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE